

Exhibit 8

Exhibit 16 - U.S. Patent No. 10,018,371 (“’371 Patent”)

Accused Instrumentality: Ecobee’s smart thermostats (e.g., ecobee3, ecobee3 lite, ecobee4, Ecobee SmartThermostat), and all versions and variations thereof since the issuance of the asserted patent.

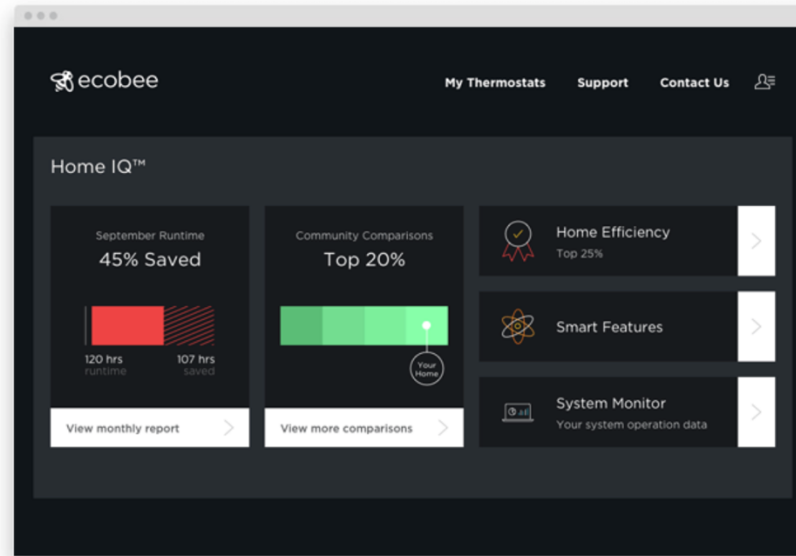
Issued Claim(s)	Public Documentation
1[pre]. A method for detecting manual changes to one or more setpoints for a thermostatic controller comprising:	<p data-bbox="674 386 1814 456">Accused Instrumentality performs a method for detecting manual changes to one or more setpoints for a thermostatic controller.</p> <div data-bbox="709 506 1220 943">A black, rounded square smart thermostat with a digital display showing the number 72. The display also shows a sun icon at the top and a vertical bar with a blue dot in the center. The Ecobee logo is visible at the bottom of the device.</div> <p data-bbox="806 967 1155 1000">Ecobee4 Thermostat</p>

Save money and energy

ecobee's DataRhythm Technology uses thousands of data points including HVAC equipment type and historical run-times, weather, and the ongoing energy performance of your home to make intelligent, unique and personalized heating and cooling decisions for you - resulting in cost and energy savings.

Valuable insights

Our exclusive Home IQ shows you how much energy you conserved each month and gives you valuable insight into your heating and cooling equipment. It's like a home energy audit at no additional cost!



<https://www.ecobee.com/ecobee-residential-web-portal/>

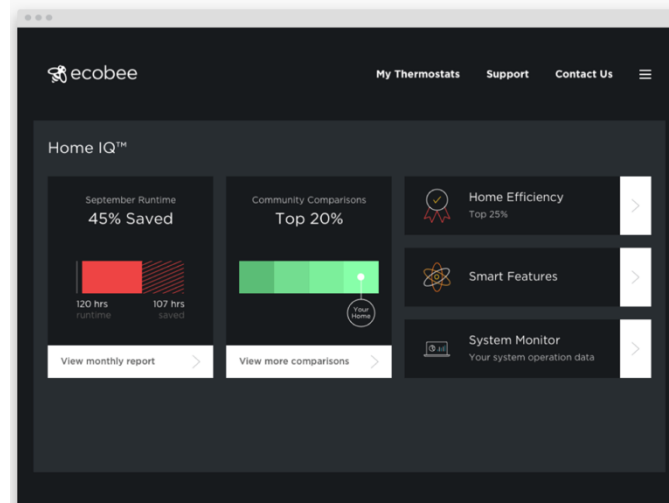
1[a] providing a thermostatic controller operatively connected to a heating ventilation and air conditioning system, the one or more setpoints of the heating ventilation and air conditioning system being manually changeable;

Accused Instrumentality performs providing a thermostatic controller operatively connected to a heating ventilation and air conditioning system, the one or more setpoints of the heating ventilation and air conditioning system being manually changeable.



Ecobee4 Thermostat

The set points of are manually changeable on the thermostat itself and also with wirelessly.



SMARTER CONTROL

Effortless control at your fingertips.

Adjust temperature and comfort settings easily from your Android and iOS devices, including Apple Watch.

Free energy reports give you insights on how much you've saved based on run times and offer tips for further savings.

<https://www.ecobee.com/ecobee3-lite/>

1[b] calculating with at least one computer, scheduled programming of the thermostatic controller for one or more times to control the heating ventilation and air conditioning system, the scheduled programming comprising at least a first automated setpoint at a first time;

Accused Instrumentality performs calculating with at least one computer, scheduled programming of the thermostatic controller for one or more times to control the heating ventilation and air conditioning system, the scheduled programming comprising at least a first automated setpoint at a first time.

As your ecobee thermostat gets to know you and your heating and cooling patterns it learns how long it takes your home to get to a desired temperature, taking into account the performance of your equipment and the effects of weather on your home. The longer you've had your thermostat, the more data it has and the better it is at predicting how long it will take to bring your home to a certain temperature.

Once your thermostat understands how long it takes your home to heat up or cool down, it can use this information to figure out how far in advance it needs to turn on to get to a desired temperature by a specific time. Let's say you would like your home to be at 72F when you return from home at 6PM. Your thermostat will decide how early it should turn on to reach 72F by 6 PM while minimizing the time it runs. It will automatically adjust its pre-emptive runtime for the indoor and outdoor temperature that day, keeping you comfortable and saving you as much as possible while doing it!

<https://www.ecobee.com/2017/08/how-does-smart-recovery-work/>

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Smart Recovery

ecobee4 understands how your home heats up and cools down, and uses wi-fi to track your local weather throughout the day. It then uses this information to determine the best way to bring your home to your desired indoor temperature when you arrive home and maintain it while minimizing how long your heating or cooling equipment runs for.

<https://www.ecobee.com/ecobee4/>

<p>1[c] recording, with the thermostatic controller, actual setpoints of the heating ventilation and air condition system;</p>	<p>Accused Instrumentality performs recording, with the thermostatic controller, actual setpoints of the heating ventilation and air condition system.</p> <div data-bbox="693 371 1394 777">  <p>The Ecobee4 receives temperature measurements from a thermostat sensor at a location conditioned by an HVAC system</p> </div>
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Be comfortable in the rooms that matter.

Most thermostats only read the temperature in one place (usually the hallway) which can make other rooms uncomfortable. ecobee4 comes with a room sensor to help manage hot or cold spots.

When you place sensors in your favorite rooms, ecobee4 can read the temperature and detect occupancy. That's how it ensures comfort in the rooms that matter.

<https://www.ecobee.com/ecobee4/>

Here you can see when your heating or cooling has been turned on and how long it's been on for, as well as see what the indoor temperature was at any point in time. And now that you have weather info activated, the green line shows what the outside temperature was at that point in time, giving you an idea of how the weather affected your HVAC system as far as when it turned on and off throughout the day and night.



<https://www.howtogeek.com/257626/how-to-set-the-location-for-your-ecobee3-to-get-weather-info/>

1[d] communicating the actual setpoints from the one or more thermostatic controllers to the at least one computer;

Accused Instrumentality performs communicating the actual setpoints from the one or more thermostatic controllers to the at least one computer.

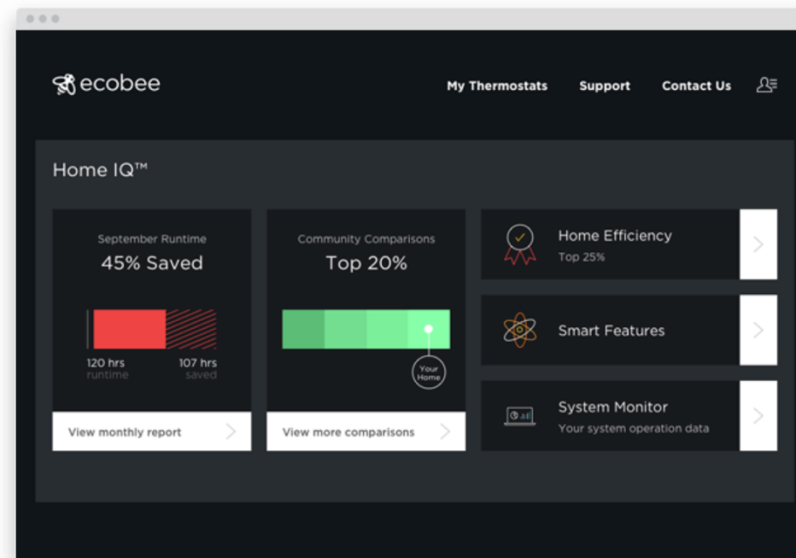
Home IQ

To generate Home IQ and System Monitor reports, your thermostat needs to be online and communicating with our servers, so you will not receive any efficiency reports or have access to any runtime data.

<https://support.ecobee.com/hc/en-us/articles/360029033431>

You can find your energy savings data by logging into your web portal and clicking on the HomeIQ tile. There, you'll find an overview of how your system has been running—including its activity based on schedule, your estimated energy saved, and how your savings compare to others. You can also download your thermostat's historical data.

<https://support.ecobee.com/hc/en-us/articles/115006029287-Where-can-I-find-the-data-for-my-energy-savings->



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1[e] generating with the at least one computer, a difference value based on comparing at least one of the actual setpoints at the first time for the thermostatic controller to the first

Accused Instrumentality performs generating with the at least one computer, a difference value based on comparing at least one of the actual setpoints at the first time for the thermostatic controller to the first automated setpoint for the thermostatic controller.

automated setpoint for the thermostatic controller;

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Once your thermostat understands how long it takes your home to heat up or cool down, it can use this information to figure out how far in advance it needs to turn on to get to a desired temperature by a specific time. Let's say you would like your home to be at 72F when you return from home at 6PM. Your thermostat will decide how early it should turn on to reach 72F by 6 PM while minimizing the time it runs. It will automatically adjust its pre-emptive runtime for the indoor and outdoor temperature that day, keeping you comfortable and saving you as much as possible while doing it!

<https://www.ecobee.com/2017/08/how-does-smart-recovery-work/>

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	<p style="text-align: center;">Smart Recovery</p> <p>ecobee4 understands how your home heats up and cools down, and uses wi-fi to track your local weather throughout the day. It then uses this information to determine the best way to bring your home to your desired indoor temperature when you arrive home and maintain it while minimizing how long your heating or cooling equipment runs for.</p> <p>https://www.ecobee.com/ecobee4/</p>
<p>1[f] detecting a manual change to the first automated setpoint by determining whether the at least one of the actual setpoints and the first automated setpoint are the same or different based on the difference value; and</p>	<p>Accused Instrumentality performs detecting a manual change to the first automated setpoint by determining whether the at least one of the actual setpoints and the first automated setpoint are the same or different based on the difference value.</p>

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<https://www.howtogeek.com/257626/how-to-set-the-location-for-your-ecobee3-to-get-weather-info/>

1[g] logging the manual change to a database.

Accused Instrumentality performs logging the manual change to a database.

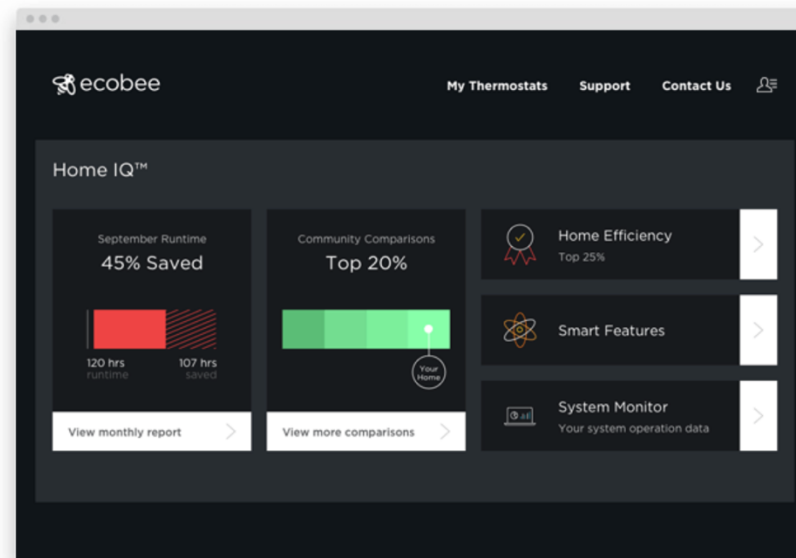
Home IQ

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9[pre]. A method for incorporating manual changes to one or more setpoints for a thermostatic controller, the method comprising:

Accused Instrumentality performs a method for incorporating manual changes to one or more setpoints for a thermostatic controller.

See claim 1[pre].

9[a] providing a thermostatic controller operatively connected to a heating ventilation and air conditioning system, the one or more setpoints of the heating

Accused Instrumentality performs providing a thermostatic controller operatively connected to a heating ventilation and air conditioning system, the one or more setpoints of the heating ventilation and air conditioning system being manually changeable.

ventilation and air conditioning system being manually changeable;	<i>See</i> claim 1[a].
9[b] calculating scheduled programming of automated setpoints in the thermostatic controller based on the scheduled programming comprising at least a first automated setpoint at a first time and a second automated setpoint at a second time to control the heating ventilation and air conditioning system;	Accused Instrumentality performs calculating scheduled programming of automated setpoints in the thermostatic controller based on the scheduled programming comprising at least a first automated setpoint at a first time and a second automated setpoint at a second time to control the heating ventilation and air conditioning system. <i>See</i> claim 1[b].
9[c] recording, with the thermostatic controller, actual setpoints of the heating ventilation and air condition system;	Accused Instrumentality performs recording, with the thermostatic controller, actual setpoints of the heating ventilation and air condition system. <i>See</i> claim 1[c].
9[d] communicating the actual setpoints from the thermostatic controller to the at least one computer;	Accused Instrumentality performs communicating the actual setpoints from the thermostatic controller to the at least one computer. <i>See</i> claim 1[d].
9[e] comparing at least one of the actual setpoints at the first time for the thermostatic controller to the first automated setpoint for the thermostatic controller;	Accused Instrumentality performs comparing at least one of the actual setpoints at the first time for the thermostatic controller to the first automated setpoint for the thermostatic controller. <i>See</i> claim 1[e].
9[f] detecting a manual change to the first automated setpoint by determining whether the at least one of the actual setpoints and the first automated setpoint are the same or different; and	Accused Instrumentality performs detecting a manual change to the first automated setpoint by determining whether the at least one of the actual setpoints and the first automated setpoint are the same or different. <i>See</i> claim 1[f].
9[g] changing the operation of the heating ventilation and air conditioning system by changing the second automated setpoint at the second time based on at least one rule for the interpretation of the manual change.	Accused Instrumentality performs changing the operation of the heating ventilation and air conditioning system by changing the second automated setpoint at the second time based on at least one rule for the interpretation of the manual change.

	<p>As your ecobee thermostat gets to know you and your heating and cooling patterns it learns how long it takes your home to get to a desired temperature, taking into account the performance of your equipment and the effects of weather on your home. The longer you've had your thermostat, the more data it has and the better it is at predicting how long it will take to bring your home to a certain temperature.</p> <p>Once your thermostat understands how long it takes your home to heat up or cool down, it can use this information to figure out how far in advance it needs to turn on to get to a desired temperature by a specific time. Let's say you would like your home to be at 72F when you return from home at 6PM. Your thermostat will decide how early it should turn on to reach 72F by 6 PM while minimizing the time it runs. It will automatically adjust its pre-emptive runtime for the indoor and outdoor temperature that day, keeping you comfortable and saving you as much as possible while doing it!</p> <p>https://www.ecobee.com/2017/08/how-does-smart-recovery-work/</p> <p><i>See also claim 1[g].</i></p>
17[pre]. An apparatus for detecting manual changes to one or more automated setpoints for a thermostatic controller, the apparatus comprising:	<p>Accused Instrumentality includes an apparatus for detecting manual changes to one or more automated setpoints for a thermostatic controller.</p> <p><i>See claim 1[pre].</i></p>
17[a] a programmable communicating thermostat operatively connected to a heating ventilation and air conditioning system, the one or more automated setpoints of the heating ventilation and air conditioning system being manually changeable;	<p>Accused Instrumentality includes a programmable communicating thermostat operatively connected to a heating ventilation and air conditioning system, the one or more automated setpoints of the heating ventilation and air conditioning system being manually changeable.</p> <p><i>See claim 1[a].</i></p>
17[b] at least an electronic storage medium comprising stored data of a	<p>Accused Instrumentality includes at least an electronic storage medium comprising stored data of a plurality of internal temperature measurements taken within a structure.</p>

plurality of internal temperature
measurements taken within a structure;

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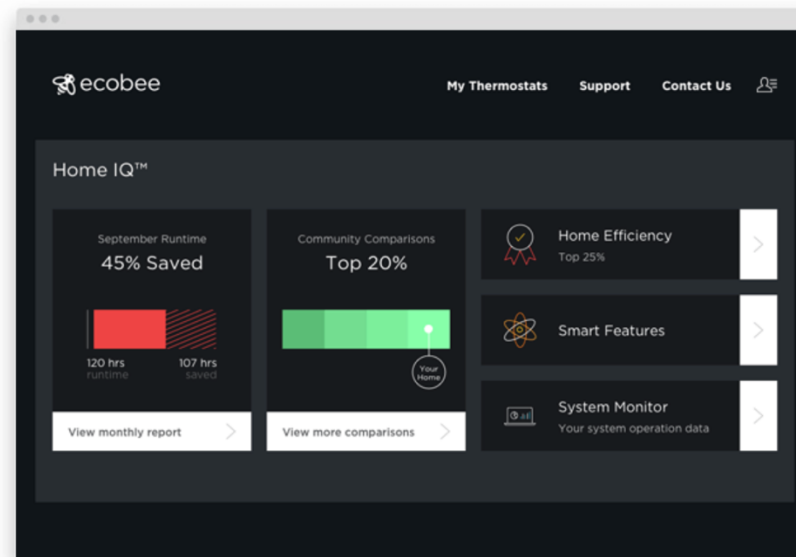
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17[c] computer hardware configured to communicate with the electronic storage medium and with the programmable communicating thermostat;

Accused Instrumentality includes computer hardware configured to communicate with the electronic storage medium and with the programmable communicating thermostat.

See claim 1[d].

17[d] wherein the programmable communicating thermostat records actual

Accused Instrumentality includes the programmable communicating thermostat recording actual setpoints of the heating ventilation and air condition system; wherein the computer hardware is

setpoints of the heating ventilation and air condition system; wherein the computer hardware is further configured to store in the electronic storage medium, the one or more automated setpoints associated with scheduled programming of the programmable communicating thermostat;	further configured to store in the electronic storage medium, the one or more automated setpoints associated with scheduled programming of the programmable communicating thermostat. <i>See claim 1[b] & 1[c].</i>
17[e] wherein the computer hardware is further configured to obtain the actual setpoints from the programmable communicating thermostat and store the actual setpoints in the electronic storage medium;	Accused Instrumentality includes the computer hardware that is further configured to obtain the actual setpoints from the programmable communicating thermostat and store the actual setpoints in the electronic storage medium. <i>See claim 1[c].</i>
17[f] wherein the computer hardware is further configured to compare the one or more automated setpoints associated with the scheduled programming with at least one of the actual setpoints; and	Accused Instrumentality includes the computer hardware that is further configured to compare the one or more automated setpoints associated with the scheduled programming with at least one of the actual setpoints. <i>See claim 1[e].</i>
17[g] wherein the computer hardware is further configured to detect a manual change to the one or more automated setpoints by determining whether the at least one of the actual setpoints and the one or more automated setpoints are the same or different based on the difference value.	Accused Instrumentality includes the computer hardware that is further configured to detect a manual change to the one or more automated setpoints by determining whether the at least one of the actual setpoints and the one or more automated setpoints are the same or different based on the difference value. <i>See claim 1[f].</i>